

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14782 of Daniel W. and Elaine Lozier, pursuant to 11 DCMR 3107.2, for a variance from the prohibition against an addition or enlargement itself increasing or extending an existing nonconforming aspect of a structure, a side yard (Paragraph 2001.3(c)) and a variance from the side yard requirements (Sub-section 405.9) to construct a second-story sun room addition to a single-family dwelling in an R-1-B District at premises 5230 Sherier Place, N.W., (Square 1415, Lot 76).

HEARING DATE: April 20, 1988
DECISION DATE: April 20, 1988 and June 8, 1988

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 3D. ANC 3D, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 3D and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR 405.9 and 2001.3(c). No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

At the special public meeting on June 8, 1988, the Board determined to waive the issuance of findings of fact and conclusions of law.

VOTE: 5-0 (Maybelle Taylor Bennett, Paula L. Jewell, William F. McIntosh, Charles R. Norris, and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

JUN 9 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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